

AMENDED IN SENATE AUGUST 22, 2005

AMENDED IN SENATE JUNE 21, 2005

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 1341

**Introduced by Committee on Environmental Safety and Toxic
Materials (Ruskin (Chair), Tran (Vice Chair), Chu,
De La Torre, Goldberg, Jerome Horton, and Strickland)**

February 22, 2005

~~An act to amend Sections 25211.3, 25211.4, and 25404 of the Health and Safety Code, relating to hazardous waste. An act to amend Section 44526 of, and to repeal and amend Section 44525.6 of, the Health and Safety Code, relating to community development.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1341, as amended, Committee on Environmental Safety and Toxic Materials. ~~Hazardous waste: major appliance disposal. California Pollution Control Financing Authority: grants and loans.~~

Existing law, until January 1, 2007, authorizes the California Pollution Control Financing Authority to provide grants and loans, not to exceed \$5,000,000, to cities and counties deemed eligible by the authority, to assist in the development of various programs and policies to, among other things, reduce pollution hazards and the degradation of the environment, or promote infill development to revitalize communities. The authority is required, until that date, to annually report to the Legislature regarding the grant and loan program.

This bill would extend the operation of these provisions until January 1, 2012, and would increase the amount of the grants and

loans under the program to \$7,500,000. It would also repeal an obsolete provision of law.

~~Existing law prohibits the disposal of materials that require special handling from a major appliance at a solid waste facility, pursuant to the hazardous waste control laws, and requires those materials to be removed from major appliances in which they are contained before the appliance is crushed, baled, shredded, sawed or sheared apart, disposed of, or otherwise processed.~~

~~Existing law requires a person who transports, delivers, or sells discarded major appliances to a scrap recycling facility, after January 1, 2006, to provide evidence that the person is a certified appliance recycler, except as specified, and prohibits a scrap recycling facility from accepting a discarded major appliance, after January 1, 2006, from any person who is not a certified appliance recycler.~~

~~This bill would make technical nonsubstantive changes to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 44525.6 of the Health and Safety Code,
- 2 as added by Section 5 of Chapter 914 of the Statutes of 2000, is
- 3 repealed.
- 4 ~~44525.6. (a) Commencing in 2002, and annually thereafter,~~
- 5 ~~the authority shall submit a report to the Legislature regarding~~
- 6 ~~the loan and grant program described in subdivision (c) of~~
- 7 ~~Section 44526 describing the total amount of loans and grants~~
- 8 ~~awarded pursuant to subdivision (c) of Section 44526 in the~~
- 9 ~~previous calendar year, the amount of each loan or grant~~
- 10 ~~awarded, and a description of the programs awarded funding.~~
- 11 ~~(b) This section shall not become operative if Senate Bill~~
- 12 ~~1986 of the 1999-2000 Regular Session is enacted after~~
- 13 ~~Assembly Bill 779 of the 1999-2000 Regular Session and adds~~
- 14 ~~subdivision (g) to Section 44526.~~
- 15 ~~(c) This section shall remain in effect only until January 1,~~
- 16 ~~2007, and as of that date is repealed, unless a later enacted statute~~
- 17 ~~that is enacted before January 1, 2007, deletes or extends that~~
- 18 ~~date.~~

1 *SEC. 2. Section 44525.6 of the Health and Safety Code, as*
2 *added by Section 5.5 of Chapter 914 of the Statutes of 2000, is*
3 *amended to read:*

4 44525.6. (a) Commencing in 2002, and annually thereafter,
5 the authority shall submit a report to the Legislature regarding
6 the loan program described in subdivision (g) of Section 44526
7 describing the total amount of loans issued pursuant to
8 subdivision (g) of Section 44526 in the previous calendar year,
9 the amount of each loan issued, and a description of the programs
10 awarded funding.

11 (b) This section shall become operative only if Senate Bill
12 1986 of the 1999–2000 Regular Session is enacted after
13 Assembly Bill 779 of the 1999–2000 Regular Session and adds
14 subdivision (g) to Section 44526.

15 (c) This section shall remain in effect only until January 1,
16 ~~2007~~ 2012, and as of that date is repealed, unless a later enacted
17 statute that is enacted before January 1, ~~2007~~ 2012, deletes or
18 extends that date.

19 *SEC. 3. Section 44526 of the Health and Safety Code is*
20 *amended to read:*

21 44526. The authority is authorized to do any of the following:

22 (a) To determine the location and character of any project to
23 be financed under the provisions of this division, to lend financial
24 assistance to any participating party, to construct, reconstruct,
25 renovate, replace, lease, as lessor or lessee, and regulate the
26 same, and to enter into contracts for the sale of any pollution
27 control facilities, including installment sales or sales under
28 conditional sales contracts, and to make loans to participating
29 parties to lend financial assistance in the acquisition,
30 construction, or installation of a project.

31 (b) To issue bonds, notes, bond anticipation notes, and other
32 obligations of the authority for any of its corporate purposes, and
33 to fund or refund the same, all as provided in this division.

34 (c) To fix fees and charges for pollution control facilities, and
35 to revise from time to time those fees and charges, and to collect
36 rates, rents, fees, and charges for the use of and for any facilities
37 or services furnished, or to be furnished, by a project or any part
38 thereof and to contract with any person, partnership, association,
39 corporation, or public agency with respect thereto, and to fix the
40 terms and conditions upon which any pollution control facilities

1 may be sold or disposed of, whether upon installment sales
2 contracts or otherwise.

3 (d) To employ and fix the compensation of bond counsel,
4 financial consultants, and advisers as may be necessary in its
5 judgment in connection with the issuance and sale of any bonds,
6 notes, bond anticipation notes, or other obligations of the
7 authority; to contract for engineering, architectural, accounting,
8 or other services of appropriate agencies as may be necessary in
9 the judgment of the authority for the successful development of
10 any project; and to pay the reasonable costs of consulting
11 engineers, architects, accountants, and construction experts
12 employed by any participating party if, in the judgment of the
13 authority, those services are necessary to the successful
14 development of any project, and those services are not obtainable
15 from any public agency.

16 (e) To receive and accept loans, contributions, or grants, in
17 money, property, labor, or other things of value, for, or in aid of,
18 the authority in carrying out the purposes of this division, from
19 any source including, but not limited to, the federal government,
20 the state, or any agency of the state, any local government or
21 agency thereof, or any nonprofit or for-profit private entity or
22 individual.

23 (f) To apply for, and accept, subventions, grants, loans,
24 advances, and contributions from any source, of money,
25 property, labor, or other things of value. The sources may
26 include, but are not limited to, bond proceeds, dedicated taxes,
27 state appropriations, federal appropriations, federal grant and
28 loan funds, public and private sector retirement system funds,
29 and proceeds of loans from the Pooled Money Investment
30 Account.

31 (g) To provide grants and loans to any city or county deemed
32 eligible by the authority. The grants and loans shall be used to
33 assist California neighborhoods suffering from high poverty or
34 unemployment levels, or from low-income levels, to assist cities
35 and counties in developing and implementing growth policies
36 and programs that reduce pollution hazards and the degradation
37 of the environment, or to promote infill development to revitalize
38 these communities. The grants and loans may be used to employ
39 the technical expertise necessary to identify, assess, and complete
40 applications for state, federal, and private economic assistance

1 programs that develop and implement sustainable development
 2 and sound environmental policies and programs. Priority shall be
 3 given to applicants lacking the resources to identify, assess, and
 4 complete applications for economic assistance, and for those
 5 lacking the resources to develop and implement sustainable
 6 growth and other sound environmental policies and programs.
 7 The authority shall fund these grants and loans from any funds
 8 available to the authority or set aside for the authority's
 9 administrative expenses. The authority may not award more than
 10 ~~five million dollars (\$5,000,000)~~ *seven million five hundred*
 11 *thousand dollars (\$7,500,000)* in grants and loans pursuant to
 12 this subdivision. This subdivision shall remain operative only
 13 until January 1, 2007, ~~and as of that date is no longer operative;~~
 14 ~~unless a later enacted statute that is enacted before January 1,~~
 15 ~~2007, deletes or extends that date 2012.~~

16 (h) (1) To provide a loan directly, or indirectly through one or
 17 more public or private sector intermediaries, to any city, county,
 18 school district, redevelopment agency, financial institution, as
 19 defined in subdivision (d) of Section 44559.1, for-profit or
 20 not-for-profit organization, or participating party, as defined in
 21 Section 44506, to assist in financing, among other things, the
 22 costs of performing or obtaining brownfield site assessments,
 23 remedial action plans and reports, technical assistance, the
 24 cleanup, remediation, or development of brownfield sites, or any
 25 other similar or related costs, subject to all applicable federal,
 26 state, and local laws, procedures, and regulations.

27 (2) The authority shall establish standards and criteria to
 28 ensure that a recipient of direct or indirect financing for cleanup
 29 or remediation pursuant to this subdivision has the necessary
 30 financial resources and expertise to successfully and
 31 appropriately complete the cleanup or remediation of the
 32 property.

33 (3) The authority may pay all, or a portion, of the associated
 34 program development and implementation costs of any public or
 35 private sector intermediaries through which a loan is made. A
 36 loan authorized by this subdivision is subject to both of the
 37 following:

38 (A) A loan may be used in connection with a brownfield site
 39 prior to a determination of whether the site has a reasonable
 40 potential for economically beneficial reuse.

1 (B) A loan may be made upon the terms determined by the
2 authority and may provide for any rate of interest or no interest.

3 (4) The authority shall fund a loan made pursuant to this
4 subdivision from any funds available to it, from any funds set
5 aside for the authority's administrative expenses, or from any
6 small business assistance fund established for these purposes
7 pursuant to Section 44548.

8 (5) The authority may waive repayment of all, or a portion, of
9 any loan made pursuant to this subdivision upon conditions to be
10 determined by the authority, and the amount so waived shall be
11 deemed a grant to the recipient.

12 (i) To do all things generally necessary or convenient to carry
13 out the purposes of this division.

14 ~~SECTION 1. Section 25211.3 of the Health and Safety Code~~
15 ~~is amended to read:~~

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18 **All matter omitted in this version of the bill**
19 **appears in the bill as amended in the**
20 **Senate, June 21, 2005. (JR11)**
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